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John S. Nagy, Reg. No. 30,664

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.

: 10/754,174

**Applicant** 

Lilip Lau, William Hartigan, Anuja Patel

Filed

January 9, 2004

Art Unit

: 3736

Examiner

Nikita R. Veniaminov

Title

DEVICE FOR TREATING HEART FAILURE

Docket No.:

PARCR 66327

Customer No.

24201

Mail Stop AMENDMENT Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

## SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Dear Sir:

The documents listed on the enclosed Forms PTO/SB/08A have come to the attention of Applicants and are submitted to the Office under 37 C.F.R. § 1.97(c) (3) and §1.98(d). A copy of each of the referenced articles and of each of the foreign references is enclosed. This Information Disclosure Statement is being submitted to correct the publication dates of all the U.S. Patent Documents by including the four-digit year, to include the name of the inventor(s) for each of the listed U.S. applications, and to submit additional art which has come to the attention of Applicants. It is respectfully requested that the Information Disclosure Statement references now be considered.

This application is a continuation of U.S. Serial No. 10/242,016 filed September 10, 2002 now U.S. Patent No. 6,723,041. The foregoing application is incorporated herein by reference. Priority is claimed to this application.

The petition fee set forth in 37 C.F.R. § 1.17(p) is enclosed. Please charge any deficiency in fees or credit any overpayment to our Deposit Account No. 06-2425. A duplicate of this paper is enclosed.

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP

By:

John S. Nagy

Registration No. 30,664

JSN:jeb Enclosures

Howard Hughes Center 6060 Center Drive, Tenth Floor Los Angeles, CA 90045 Telephone: (310) 824-5555

Facsimile: (310) 824-9696 Customer No. 24201

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<b>TRANSMIT</b>	ΓAL
FORM	

(to be used for all correspondence after initial filing)

Application Number	10/754,174
Filing Date	January 9, 2004
First Named Inventor	Lilip Lau
Art Unit	3736
Examiner Name	Nikita R. Veniaminov
Attorney Docket Number	DADCD 66337

Fee Transmittal Form    Drawing(s)	Total Number of Pages in This Submission	Attorney Docket Num	ber PARCR 66327
Fee Attached    Drawing(s)		ENCLOSURES (Check all that	t apply)
Certified Copy of Priority Document(s)  Response to Missing Parts/ Incomplete Application  Reply to Missing Parts under 37 CFR 1.52 or 1.53  SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT  Firm Name  FULWIDER PATTON LEE & UTECHT, LLP  Signature  Printed name	Fee Attached  Amendment / Reply  After Final  Affidavits/declaration(s)  Extension of Time Request  Express Abandonment Request	Drawing(s)  Licensing-related Papers  Petition  Petition to Convert to a Provisional Application  Power of Attorney, Revocation Change of Correspondence Addres  Terminal Disclaimer  Request for Refund	After Allowance Communication to TC Appeal Communication to Board of Appeals and Interferences Appeal Communication to TC (Appeal Notice, Brief, Reply Proprietary Information Status Letter Other Enclosure(s) (please identify below): Postcard
Firm Name FULWIDER PATTON LEE & UTECHT, LLP  Signature Printed name	Certified Copy of Priority Document(s)  Response to Missing Parts/ Incomplete Application  Reply to Missing Parts under	Landscape Table on CD  Remarks  2420	1
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Date May 9, 2005 Reg. No. 30,664		***	
	Date May 9, 2005	Re	g. No. 30,664

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on Signature

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Effective on 12/08/004. Fees pursuant to the Consolidated Appropriatons Act, 2005 (H.R.	Complete if Known
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# FEE TRANSMITTAL for FY 2005

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) \$180.00

Complete if Known				
Application Number	10/754,174			
Filing Date	January 9, 2004			
First Named Inventor	Lilip Lau			
Examiner Name	Nikita R Veniaminov			
Art Unit	3736			
Attorney Docket No.	PARCR 66327			

METHOD OF PAYMENT (check all that apply)								
Check Cre	edit Card	Money Order	None	Other (	please identify)	:		
Deposit 0	Deposit Account	Number:	06-2425	Deposit A	ccount Name:	FULWIE	DER PATTON	
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)								
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fee(s) under 37 CFR 1.16 and 1.17  WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.								
FEE CALCULATION				· · ·				
1. BASIC FILING, SE	ARÇH, AND EX	AMINATION I	FEES					
	FILING F		SEARCH		EXAMIN	ATION FEES		
Application Type	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fees Paid(\$)	
Utility	300	150	500	250	200	100	1 003 1 010101	
Design	200	100	100	50	130	65		
Plant	200	100	300	150	160	80		
	300	150	500	250	600	300		
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Provisional	200	100	U	U	U	U		
2. EXCESS CLAIM F	EES						Small Entity	
Fee Description	adualina Daiaaca	-1				<u>Fee (\$)</u> 50	<u>Fee (\$)</u> 25	
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Multiple dependent cla	•	ing reissues	,			360	180	
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3. APPLICATION SIZE FEE  If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listing under 137 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof.  See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).								
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4. OTHER FEE(S)							Fee Paid (\$)	
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Other (e.g., late filing s	rurcharge): Supp	piementai Into	rmation Disci	osure Statement			\$180.00	

SUBMITTED BY				
Signature	John Valy	Registration No. (Attorney/Agent) 30,664	Telephone	(310) 824-5555
Name (Print/Type)	JOHN S. NA	GY	Date	May 9, 2005

PTO/SB/08a (06-03)

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Substitute for form 1449A/PTO MAY 1 2 2005
INFORMATION DISCLOSU

STATEMENT BY

PARCR 66327

(use as many sheets as necessary)

Sheet I of 10 Attorney Docket Number

		11.0	DATENT DOCUMEN	TEC						
	U.S. PATENT DOCUMENTS									
Examiner Initials*	Cite No Number	ment Number Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant assages or Relevant figures Appear					
	2,326,193		03/11/1958	Vineberg						
	3,464,322		09/02/1969	Pequignot						
	3,513,836		05/26/1970	Sausse						
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	Cite		Foreign Patent Docum	nent Publication Date		Name of Patentee or Applicant of Cited	Pages, Columns, Lines Where Relevant Passages	Тé			
	No	Office <sup>3</sup>	Number <sup>4</sup>	Kind <sup>5</sup> (if know <b>s</b> )	MM-DD-YYYY	Document Document	or Relevant Figures Appear	1			
		SU	1009457	ASSES	04/07/1983	Killik					
		PCT	WO 96/40356		12/19/1996	EP Technologies, Inc.					
		PCT	W0 00/18320	A STATE OF THE STA	04/06/00	Univ. of Cincinnati					
		PCT	WO 01/21098		03/29/2001	Acorn Cardiovascular					
		PCT	WO 01/67985 🥻		09/20/2001	Paracor Surgical					
		PCT	WO 01/8506		11/15/2001	Acom Cardio ascular					
		PCT	WO 01/91667		12/06/2001	Cardioclasp, Ind		, i			
		PCT	WO 02/1 <b>2</b> 726		02/21/2002	Acom Cardiovascolar					
		PCT	WO/0086995		06/29/2000	Corset Inc.					

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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. Applicant's unique citation designation number (optional). See Kinds Codes of USPTO Patent Documents at <a href="https://www.uspto.gov">www.uspto.gov</a> or MPEP 901.04. Enter Office that issued the document, by the two-letter code (WIPO, Standard ST.3). For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. Kind of document by the appropriate symbols as indicated on the document will will be appropriated on the document will b

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		4,878,890				07/89		Bilweis			
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		5,031,762	<del></del>			16/91		leacox			
		5,057,117	<u></u>			15/91		tweh			
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		5,150,706		- A		29/92		Cox et al.			
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		5,186,711		MA.	02/	16/93		pstein			
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		PCT	WO 91/19465	/		2/26/91	Frat				
		SU	1734767 A1		_	5/23/92	78	ov et al.			
		EP	0 280 564 B1			06/16/93		medics,	Inc.		
		DE	38 31 540 C2			06/24/93	Eva				ļ
		PCT PCT	WO 95/06447 WO 96/04852			03/09/95 02/22/96		thrup	k Associates		-
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	Complete if Known					
Substitute for form 1449A/PTO	Application Number	10/754,174	/			
INFORMATION DISCLOSURE	Filing Date	January 9, 2004				
<b>T</b> .	First Named Inventor	Lilip Lau				
TATEMENT BY APPLICANT	Art Unit	3736				
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Sheet 3 of 10	Attorney Docket Number	PARCR 66327				

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		M	U.S.	PATENT DOCUMEN	NTS	
Examiner Initials*	Cite No <sup>1</sup>	Number	ment Number Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages Columns, Lines, Where Relevant Passages or Relevant Figures Appear
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	1	5,106,388		04/21/1992	Isner et al.	
		5,119,804		06/09/1992	Anstadt	
	i	5,131,905		07/21/1992	Grooters	
	ļ	5,150,706		09/29/1992	Cox et al.	
		5,169,381	1	12/08/1992	Snyders	
		5,186,711	· Marian in the control of the contr	02/16/1993	Epstein	
	Ĭ	5,190,546	Marie Control	03/02/1993	Jervis	
	i	5,192,314	M	03/09/1993	Daskalakj	
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	Ì	5,279,539	1	01/18/1994	Bolfan et al.	
	ļ	5,290,217		03/01/1994	<b>G</b> ampos	
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		5,344,442	*	09/06/1994	Deac	
	]	5,352,184		0/04/1994	Goldberg et al.	
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·		5,366,460		11/28/1994	Eberbach	
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TATEMENT BY APPLICANT	Art Unit	3736	
(use as many sheets as necessary)	Examiner Name	Nikita R. Veniaminov	
Sheet 4 of 10	Attorney Docket Number	PARCR 66327	

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		5,509,428	***************************************	04/23/1996	Dunlop	-	
		5,524,633		06/11/1996	Heaven et al.		
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Substitute for form 1449A/PTO	Application Number	10/754,174
INFORMATION DISCLOSURE	Filing Date	January 9, 2004
STATEMENT BY APPLICANT	First Named Inventor	Lilip Lau
TATEMENT BY APPLICANT	Art Unit	3736
(use as many sheets as necessary)	Examiner Name	Nikita R. Veniaminov
Sheet 5 of 10	Attorney Docket Number	PARCR 66327

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Examiner Initials*	Cite No <sup>1</sup>	Number Docume	nt Number Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages Columns, Lines, Where Relevant Passages or Relevan Figures Appear
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Sheet 7 of 10	Attorney Docket Number	PARCR 66327		

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Examiner Initials*	Cite No <sup>1</sup>	Number	Document Number  Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages Columns, Lines, Where Relevant Passages or Relevant Figures Appear
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Sheet 9 of 10	Attorney Docket Number	PARCR 66327			

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STATEMENT BY APPLICANT	First Named Inventor	Lilip Lau	,
(use as many sheets as necessary)	Group Art Unit	3736	
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Sheet 10 of 10	Attorney Docket Number	PARCR 66327	

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